

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 7098 - SB 7026

August 22, 2023

SUMMARY OF BILL: Requires the Department of Safety (DOS) to establish a voluntary do-not-sell-firearms list (list) for a person who is voluntarily admitted to a public or private hospital or treatment resource for a mental illness or serious emotional disturbance, and who voluntarily wishes to enroll on the list, and whose enrollment on the list will prohibit such person from possessing, transporting, or purchasing firearms. Requires the DOS to maintain and update the list in order to advise a gun dealer, in accordance with existing state law, as to whether or not the department's records indicate a firearm buyer is prohibited from purchasing, possessing, or transporting a firearm.

Requires the DOS to create an enrollment form for the list and establishes requirements for the enrollment form, including that it must provide a space for the registering person to designate an individual as a guardian angel if the registering person wishes to do so. Requires the DOS to notify any person that has been designated as a guardian angel of the effect of such designation and allow the designated person to consent or decline to such designation. Establishes immunity from obligation or liability for the guardian angel.

Provides that an enrollee may file a revocation of enrollment no sooner than 14 calendar days after initial enrollment. Requires, within seven days of receiving a revocation form, the DOS to: (1) remove the person from the National Instant Criminal Background Check System (NICS) and any other federal or state computer-based systems used by law enforcement to identify prohibited purchasers of firearms on which the person was entered; (2) notify the person that the person has been removed from the list; (3) inform any guardian angel of the removal; and (4) destroy all records related to the person's enrollment on the list.

Establishes that a person who knowingly makes a false statement regarding the person's identity on an enrollment or revocation form commits the offense of perjury. Creates a Class A misdemeanor offense for a person who is enrolled on the list to purchase, possess, or transport a firearm.

Establishes that records obtained or produced pursuant to the proposed legislation are confidential and are not open for public inspection. Provides access to the records to law enforcement for the performance of official duties and to facilitate criminal prosecution.

Authorizes the DOS to promulgate rules to effectuate the legislation. Effective upon becoming a law for the purposes of implementation; effective January 1, 2024, for all other purposes.

FISCAL IMPACT:

**Increase State Expenditures – \$132,100/FY23-24/Handgun Division
\$172,800/FY24-25 and Subsequent Years/
Handgun Division**

Assumptions:

- Based on information provided by the Tennessee Bureau of Investigation and the DOS, as the entering agency, the DOS would be required to have personnel available to respond to NICS inquiries related to denied firearm purchases from 7:00 am to 10:00 pm, and within a 72-hour window. They would also need to be available to respond to Tennessee Instant Check System (TICS) operators, and inquiries from other states.
- According to DOS, the department does not currently have the available personnel to allocate for this purpose, and will require three additional Safety Examiner 2 positions.
- The increase in state expenditures related to the positions is estimated to be \$189,591 (\$113,112 salary + \$40,779 benefits + \$16,800 office setup + \$18,900 administrative expenses) in year one.
- Because of the January 1, 2024 effective date, it is assumed that DOS will not need to hire the additional personnel until at least November 1, 2023. It is assumed that will provide a sufficient period for the department to onboard and train the new employees. Therefore, it is assumed that only 67.7 percent of the impact related to year one salary, benefits, and administrative expenses will be realized in FY23-24. The full increase related to office setup is assumed to be realized.
- The increase in state expenditures is thus estimated to be \$132,052 $\{[(\$113,112 \text{ salary} + \$40,779 \text{ benefits} + \$18,900 \text{ administrative expenses}) \times 66.7\%] + \$16,800 \text{ office setup}\}$ in FY23-24.
- The increase in state expenditures is estimated to be \$172,791 (\$113,112 salary + \$40,779 benefits + \$18,900 administrative expenses) in FY24-25 and subsequent years.
- It is assumed that the proposed legislation will not require the DOS to build any new computer platforms, substantive databases, or interfaces, but rather will only require DOS personnel to enter the information from the list into the NICS and other existing databases.
- It is assumed that the DOS can develop and maintain the list and any requisite forms utilizing existing resources.
- The proposed legislation is not estimated to result in a sufficient number of convictions for either perjury or the new Class A misdemeanor offense to significantly impact state or local incarceration rates or revenue related to fines. Any fiscal impact to state or local government related to these offenses is therefore estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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